



**GOLDBERG SEGALLA** <sup>LLP</sup>

*Attorneys at Law*

**PENNSYLVANIA**

Philadelphia

**NEW YORK**

Buffalo ▪ Syracuse ▪ Albany ▪ Manhattan  
Rochester ▪ White Plains ▪ Long Island

**NEW JERSEY**

Princeton

Jonathan M. Bernstein

Direct dial 518.935-4240  
jbernstein@goldbergsegalla.com

8 Southwoods Boulevard, Suite 300  
Albany, New York 12211-2364  
518.463.5400 FAX 518.463.5420  
www.goldbergsegalla.com

January 8, 2008

**VIA E-FILING**

Hon. David R. Homer  
U.S. District Court  
Northern District  
James T. Foley US Courthouse  
445 Broadway  
Albany, NY 12207-2974

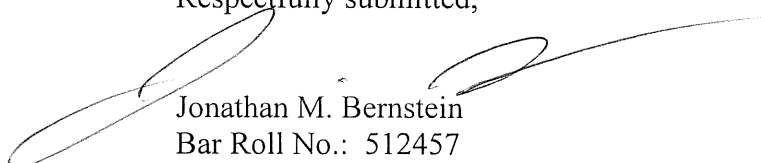
**Re: Cipriani v. County of Schenectady, et al.**  
**Our File No.: 13975.0005**

Dear Judge Homer:

I am writing in regard to the plaintiff's Second Motion to Compel that was recently received by my office. The document report indicates that the Court set responses due for January 22, 2008. It is respectfully requested that the Court dismiss this motion on the grounds that plaintiff failed to comply with Local Rule 7.1, in that he has not made a good faith effort to resolve any outstanding discovery issues before filing this motion. Not until receiving plaintiff's Second Motion to Compel was I even aware that these demands existed. At no time prior to filing the motion did plaintiff send a letter to me demanding that these responses be responded to.

As plaintiff's Second Motion to Compel does not comply with Local Rule 7.1, it is respectfully requested that the Court dismiss the motion and deem it unnecessary for defendant to respond to this motion. Defendants will make a good faith effort to respond to plaintiff's discovery demands. It should be noted that plaintiff's First Motion to Compel was denied as moot (*see*, Docket No. 77).

Respectfully submitted,



Jonathan M. Bernstein  
Bar Roll No.: 512457

JMB:cal



GOLDBERG SEGALLA<sup>LLP</sup>  
*Attorneys at Law*

January 8, 2008  
Page 2

cc: Paul Cipriani // 06A0678  
*Pro Se Plaintiff*  
Washington Correctional Facility  
72 Lock 11 Lane, P.O. Box 180  
Comstock, NY 12821-0180

Peter M. Scolamiero, Esq.  
Bar Roll No.: 601709  
Burke, Scolamiero, Mortati & Hurd, LLP  
*Attorneys for Defendant Schenectady County*  
P.O. Box 15085  
Albany, NY 12212-5085

43844